

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION at LONDON**

UNITED STATES OF AMERICA, et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No.: 6:03-206-KSF
	)	
DAIRY FARMERS OF AMERICA, INC., et al.	)	
	)	
Defendants.	)	
	)	

**STATUS REPORT OF PLAINTIFF UNITED STATES ON  
COMPLIANCE WITH THE ANTITRUST PROCEDURES AND PENALTIES ACT**

Pursuant to this Court’s Order of January 25, 2007, the United States hereby files this status report describing steps taken by the parties to comply with the Antitrust Procedures and Penalties Act (“APPA”), 15 U.S.C. § 16(b)-(h).

To date, the parties have complied with the provisions of the APPA as follows:

1. The government and DFA stipulated to the entry of the proposed Final Judgment, which was filed with the Court on October 2, 2006;
2. The Competitive Impact Statement was filed with the Court on October 2, 2006;
3. The Amended Complaint, proposed Final Judgment, and Competitive Impact Statement were published in the *Federal Register* on November 6, 2006, *see* 71 Fed. Reg. 64,984 (2006);

4. A summary of the terms of the proposed Final Judgment was published in:
  - A. the *Washington Post*, a newspaper of general circulation in the District of Columbia, beginning on November 3, 2006, and continuing on consecutive days through November 9, 2006, and
  - B. the *Lexington Herald-Leader*, a newspaper of general circulation in the Eastern District of Kentucky, beginning on November 11, 2006, and continuing on consecutive days through November 17, 2006;
5. Copies of the Amended Complaint, proposed Final Judgment, and Competitive Impact Statement were furnished to all persons requesting them and made available on the Internet Site of the United States Department of Justice's Antitrust Division;
6. On October 11, 2006, DFA filed with the Court its disclosure statement concerning written or oral communications by or on behalf of the defendant, or any other person, with any officer or employee of the United States concerning the proposed Final Judgment, as required by 15 U.S.C. § 16(g);
7. The sixty-day comment period prescribed by 15 U.S.C. §16(b) and (d) for the receipt and consideration of written comments, during which the proposed Final Judgment could not be entered, commenced on November 17, 2006, and ended on January 16, 2007; and

8. The United States received seven public comments on the proposed Final Judgment. Contemporaneously with this status report, the United States will file its responses to the public comments pursuant to 15 U.S.C. § 16(d).

The United States will move this Court for entry of the proposed Final Judgment after the public comments and the responses to public comments are published in the *Federal Register*.

Dated: February 7, 2007

Respectfully Submitted,

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### **CERTIFICATE OF SERVICE**

This certifies that I caused a true and correct copy of the foregoing to be served on February 7, 2007, via electronic mail and first-class mail on the following:

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